

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

IN RE:

Case No. 16-33915

Judge Christine M. Gravelle

**Schlam, Charles J. & Jamarino, Danielle**

Chapter **13**

Debtor(s)

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☐ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: February 27, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

- a. The debtor shall pay \$496.36 7 per **month** to the Chapter 13 Trustee, starting on 1/2017 for approximately **60** months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:  
☒ Future Earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:  
☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_  
☐ Refinance of real property  
Description:  
Proposed date for completion: \_\_\_\_\_  
☐ Loan modification with respect to mortgage encumbering property  
Description:  
Proposed date for completion: \_\_\_\_\_
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

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a. Adequate protection payments will be made in the amount of \$ **None** to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
<b>Broege, Neumann, Fischer &amp; Shaver LLC</b>	<b>Attorney fee</b>	<b>1,500.00</b>
<b>Internal Revenue Service</b>	<b>Taxes</b>	<b>20,000.00</b>

**Part 4: Secured Claims****a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
<b>None</b>					

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
<b>United Tech FIN</b>	20 Hidden Harbor Ln Pt Pleasant, NJ	39752.00	367,000.00	Quick n Loans 385503.00	zero	zero	zero cramdo wn See Section 7

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Hyundai Capital America	2013 Hyundai Sonata	8,671.00	4,084.00

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

**Quicken Loans**

**e. Secured Claims to Be Paid in Full Through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

Not less than \_\_\_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

**b. Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
Navy Federal Credit Union #43001491140859	co-signed by Danielle Jamarino	paid outside the chapter 13 pursuant to terms of agreement	29158.00

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
None		

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed	Sum of All Other	Amount of Lien to be
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					Exemption	Liens Against the Property	Avoided
None							

**b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
United Teletech Fin Fc	20 Hidden Harbor Dr Pt Pleasant NJ	39752.00

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None			

**Part 8: Other Plan Provisions****a. Vesting of Property of the Estate**

☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) **Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

**d. Post-petition claims** The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: \_\_\_\_\_

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified.
To include cramdown of creditor United Tech Fin LLC in Part 4	Inclusion of secured creditor United tech Fin in Part 4 of the Plan

Are Schedules I and J being filed simultaneously with this Modified Plan? [ ] Yes [X] No

#### Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date 2/27/2017

/s/Timothy P. Neumann, Esq.  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 2/27/2017

/s/Charles J. Schlam  
Debtor

/s/Danielle Jamarino  
Joint Debtor

**Certificate of Notice Page 6 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Charles J. Schlam  
 Danielle Jamarino  
 Debtors

Case No. 16-33915-CMG  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 29

Date Rcvd: Feb 27, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 01, 2017.  
 db/jdb

Charles J. Schlam, Danielle Jamarino, 20 Hidden Harbor Dr,  
 Point Pleasant Beach, NJ 08742-4839  
 516551217 Amex, PO Box 297871, Fort Lauderdale, FL 33329-7871  
 516551219 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bankamerica, PO Box 982238, El Paso, TX 79998-2238)  
 516551218 Bank of America NA, PO Box 25118, Tampa, FL 33622-5118  
 516551222 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Capital One Bank USA N, 15000 Capital One Dr,  
 Richmond, VA 23238-1119)  
 516551221 Capl/bstby, PO Box 6497, Sioux Falls, SD 57117-6497  
 516661599 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
 516551223 Chase Card, PO Box 15298, Wilmington, DE 19850-5298  
 516551224 Citi, PO Box 6241, Sioux Falls, SD 57117-6241  
 516551226 +East River Medical Imaging, 519 E 72nd St Ste 103, New York, NY 10021-4094  
 516551227 Hyundai Capital Americ, 4000 Macarthur Blvd Ste, Newport Beach, CA 92660-2558  
 516551229 N J U S Attorney, Peter Rodino Fed Bld, 970 Broad St Ste 700, Newark, NJ 07102-2534  
 516551230 Navy Federal Cr Union, PO Box 3700, Merrifield, VA 22119-3700  
 516551234 United Teletech Fin Fc, 205 Hance Ave, Tinton Falls, NJ 07724-2764  
 516551235 Upstart Netw, PO Box 61203, Palo Alto, CA 94306-6203  
 516551236 Usaa Savings Bank, PO Box 47504, San Antonio, TX 78265-7504  
 516551237 Usaa Savings Bank, 10750 McDermott Fwy, San Antonio, TX 78288-0002  
 516551238 Usaa Svg Bk, PO Box 47504, San Antonio, TX 78265-7504

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usanj.njbankr@usdoj.gov Feb 27 2017 23:12:25 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Feb 27 2017 23:12:22 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235

cr +E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com Feb 27 2017 23:13:04  
 Hyundai Capital America, P.O. Box 20829, Fountain Valley, CA 92728-0829  
 516559819 E-mail/Text: mrdiscen@discover.com Feb 27 2017 23:11:45 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 516551225 E-mail/Text: mrdiscen@discover.com Feb 27 2017 23:11:45 Discover Fin Svcs LLC,  
 PO Box 15316, Wilmington, DE 19850-5316  
 516551228 E-mail/Text: cio.bncmail@irs.gov Feb 27 2017 23:12:06 Internal Revenue Service,  
 Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346  
 516591419 +E-mail/Text: ext\_ebn\_inbox@navyfederal.org Feb 27 2017 23:13:18 Navy Federal Credit Union,  
 P.O. Box 3000, Merrifield, VA 22119-3000  
 516551231 E-mail/Text: bankruptcyteam@quickenloans.com Feb 27 2017 23:12:39 Quicken Loans,  
 1050 Woodward Ave, Detroit, MI 48226-1906  
 516638529 +E-mail/Text: bankruptcyteam@quickenloans.com Feb 27 2017 23:12:39 Quicken Loans Inc.,  
 635 Woodward Avenue, Detroit, MI 48226-3408  
 516551232 E-mail/PDF: gecsed@recoverycorp.com Feb 27 2017 23:05:25 Synch/Care Credit,  
 950 Forrer Blvd, Kettering, OH 45420-1469  
 516551233 E-mail/PDF: gecsed@recoverycorp.com Feb 27 2017 23:04:58 Synch/mens Wearhouse,  
 PO Box 965005, Orlando, FL 32896-5005

TOTAL: 11

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516551220\* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bk of Amer, PO Box 982238, El Paso, TX 79998-2238)  
 516591420\* +Navy Federal Credit Union, P.O. Box 3000, Merrifield, VA 22119-3000

TOTALS: 0, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 29

Date Rcvd: Feb 27, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 01, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 26, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Denise E. Carlon on behalf of Creditor QUICKEN LOANS INC. dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
John R. Morton, Jr. on behalf of Creditor Hyundai Capital America  
mortonlaw.bcraig@verizon.net, donnal@mortoncraig.com/mhazlett@mortoncraig.com  
Timothy P. Neumann on behalf of Joint Debtor Danielle Jamarino timothy.neumann25@gmail.com,  
btassillo@aol.com;geoff.neumann@bnfsbankruptcy.com  
Timothy P. Neumann on behalf of Debtor Charles J. Schlam timothy.neumann25@gmail.com,  
btassillo@aol.com;geoff.neumann@bnfsbankruptcy.com  
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6